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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,929

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Jerome H. Simon

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04/04/2006

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EXAMINER

LEE, Y MY QUACH

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,929

Applicant(s)

SIMON, JEROME H.

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,10-12,14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) 1,10-12,14 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☒ Claim(s) 27-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### ***DETAILED ACTION***

#### ***Response to the Election of Species Requirement***

1. Applicant's election without traverse of group XIV including figures 9, 9A, 9B and 9C upon which claims 19 to 31 are readable in the reply filed on January 17, 2006 is acknowledged. Claims 1, 10 to 12, 14, 16 to 18 are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "both surfaces are reflective" as claimed in claim 29 and "both surfaces are refractive" as claimed in claim 30 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. For instance, there is no clear antecedent support for both the first and second surfaces where the first and second canted beams projected onto are reflective, and there is also no clear antecedent support for both the first and second surfaces where the first and second canted beams projected onto are refractive in the specification as originally filed. Correction is required. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

#### ***Claim Objections***

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are

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canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claims 28 to 31 have been renumbered as 27 to 30.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchio et al.

Uchio et al. show multiple light emitting diodes (22 to 26, 60) arranged on a plane of a base (21, 70) in a geometric pattern, a plurality of ring lenses (42 to 46, 72), each of the lenses at least partially surrounding a corresponding light emitting diode, a portion of each ring lens canted in section for providing a canted radial beam at an angle to the plane on which the light emitting diodes are arranged, and the lenses comprised of a first and second canted portion (for instance, 42, 43 or 45, 46, 72) respectively for projecting a first and second canted radial beam at an angle (figures 1, 2 and 15) to the plane on which the light emitting diodes are arranged.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19 to 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurkis.

Lurkis discloses multiple light emitting sources (11, 12, 13) arranged on a plane of a housing (10) in a geometric pattern, a plurality of ring lenses (1, 2, 3), each of the lenses at least partially surrounding a corresponding light emitting source, a portion of each ring lens canted in section for providing a canted radial beam at an angle to the plane on which the light emitting sources are arranged, the plane in which the light emitting sources are arranged located substantially parallel to a first surface (30) onto which the canted radial beams are projected to

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refract the canted radial beams, and the ring lenses comprised of a first and second canted portion (1, 3) respectively projecting a first and second canted radial beam at an angle (figure 1) to the plane on which the light emitting sources are arranged. However, Lurkis does not disclose that the light emitting sources are light emitting diodes.

Note that it is old and well known that incandescent and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diodes in place of the light emitting sources of Lurkis to not only enhance reliability and longevity of the light sources but also to reduce power consumption.

With regards to claims 21 and 25, the first surface can be the inner planer surface of the housing where the light emitting sources are arranged, it would have been obvious to one skilled in the art to have this first surface reflective, as shown by the highly specular surface of the housing in figures 4 to 7 (column 3, lines 40 to 41), so that the light from the light emitting sources can be directed forward to the ring lenses.

9. Claims 27 to 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mori, Cherouge and Krumwiede are cited to show other pertinent plurality of ring lenses surrounding a corresponding light emitting source with each of the ring lenses at least partially surrounding the corresponding light emitting source and a portion of each ring lens canted in section to provide a canted radial beam.

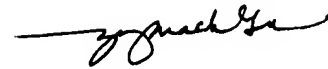
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the Customer Service whose telephone number is 571-272-2815.

Y.Q.  
March 30, 2006



Y Quach Lee  
Primary Examiner  
Art Unit 2875